

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

PENGQUAN XIE,
ZHENQ QU,

Defendants.

CASE NO. CR06-298C

ORDER

This matter comes before the Court on the joint motion of the United States of America and Defendants Pengquan Xie and Zheng Qu to continue the trial date (Dkt. No. 108).

The current pretrial motions cut-off date was September 28, 2006, and the current trial date is October 16, 2006. Defendants Pengquan Xie and Zheng Qu have joined in the requested continuance, and the Government agrees that a continuance is necessary to allow Defendants to complete discovery and prepare for trial. Accordingly, defendants Xie and Qu have waived speedy trial rights through December 4, 2006 (Dkt. Nos. 107 and 123).

Given the complex nature of this case, the Court finds that a denial of the requested extensions would unreasonably deny Defendants adequate preparation by their attorneys and would deny counsel reasonable time to prepare. Due to these factors, exclusion of additional time under 18 U.S.C. §

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3161(h)(8)(B)(iv) is appropriate.

The proposed continuance of the trial does not appear to prejudice any party. The Court finds that failure to grant the requested continuance likely would result in a miscarriage of justice. The Court further finds that the interests of the public and the Defendants in a speedy trial are outweighed by the ends of justice, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be extended until October 31, 2006, with a new trial date of December 4, 2006. Voir dire, Trial Briefs, and Jury Instructions shall be due by November 30, 2006. The time between October 16, 2006 and the new trial date shall be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

SO ORDERED this 10th day of October, 2006.

John C. Coughenour
John C. Coughenour
United States District Judge

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